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MINISTRY OF LAW

(Legislative Department)

New Delhi, the 17th December, 1959/Agrahayana 26, 1881 (Saka)

The following Acts of Parliament received the assent of the President on the 17th December, 1959, and are hereby published for general information:—

THE HAJ COMMITTEE ACT, 1959

No. 51 of 1959

[17th December, 1959]

An Act to establish a Committee in the Port of Bombay for assisting Muslim pilgrims to Saudi Arabia, Syria, Iraq, Iran and Jordan and for matters connected therewith.

BE it enacted by Parliament in the Tenth Year of the Republic of India as follows:—

1. This Act may be called the Haj Committee Act, 1959.

Short title.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "Committee" means the Haj Committee constituted under this Act;

(b) "pilgrim" means a Muslim proceeding on or returning from pilgrimage to Saudi Arabia, Syria, Iraq, Iran or Jordan;

(c) "pilgrim ship" means a ship conveying or about to convey pilgrims from or to the port of Bombay to or from any port in the Red Sea other than Suez;

(d) "prescribed" means prescribed by rules made under this Act.

Incorporation of Haj Committee.

3. (1) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf, there shall be established a Committee by the name of the Haj Committee.

(2) The said Committee shall be a body corporate having perpetual succession and a common seal and shall by the said name sue and be sued.

Composition of the Committee.

4. (1) The Committee shall consist of the following members, namely:—

- (a) the Collector of Customs, Bombay, *ex officio*;
- (b) the Chairman, Port Trust, Bombay, *ex officio*;
- (c) the Principal Officer, Mercantile Marine Department, Bombay, *ex officio*;
- (d) the Commissioner of Police for Greater Bombay, *ex officio*;
- (e) the Municipal Commissioner, Greater Bombay, *ex officio*;
- (f) the Port Health Officer, Bombay, *ex officio*;
- (g) two members to be nominated by the Central Government;
- (h) three members of Parliament of whom two are to be nominated by the Speaker of the House of the People from among its members and one by the Chairman of the Council of States from among its members;
- (i) one member to represent the State Government of Bombay to be nominated by that Government;
- (j) two members of the Bombay State Legislative Assembly to be nominated by the Speaker of that Assembly;
- (k) two members of the Municipal Corporation of Greater Bombay to be nominated by the State Government of Bombay on the recommendation of the Muslim members of the Municipal Corporation of Greater Bombay;
- (l) three members, of whom two shall be Shia Muslims, to be co-opted by all the members of the Committee to represent such interests as, in their opinion, are directly and actively interested in the welfare of the pilgrims.

(2) Every nomination under this section shall take effect as soon as it is notified by the Central Government in the Official Gazette.

Nomination and co-option of members.

5. (1) The members of the Committee shall be nominated or co-opted in such manner as may be prescribed.

(2) As soon as may be after the nomination of the members of the Committee and the co-option of the members referred to in clause (1) of sub-section (1) of section 4, the Central Government shall publish in the Official Gazette a list of the names of all members nominated and co-opted:

Provided that the failure to co-opt a member shall not prevent the Central Government from making nominations or from publishing the list of members as provided in this sub-section:

Provided further that the list of members of a new Committee shall not be published before the expiry of three years from the date of the publication of the list of members of the Committee which it is replacing.

6. (1) After the publication of the list of members of the Committee under sub-section (2) of section 5, the Central Government shall direct the Committee to elect one of its members to be the Chairman within such time as may be specified in the direction. Chairman and Vice-Chairmen.

(2) If within the time so specified the Committee fails to elect a Chairman, the Central Government may appoint a member of the Committee to be the Chairman thereof.

(3) The Chairman shall exercise such powers and discharge such duties as may be prescribed.

(4) The Committee shall elect from among its members not more than two members to be Vice-Chairmen who shall exercise such powers and discharge such duties as may be determined by bye-laws made in this behalf by the Committee.

(5) The appointment or election of the Chairman and the Vice-Chairmen shall be notified by the Central Government in the Official Gazette.

7. The term of office of the members of the Committee (other than the *ex officio* members and members filling casual vacancies) shall be not less than three years, commencing on the day following the publication of the list of members under sub-section (2) of section 5, and ending on the date of the publication of the list of members of the next Committee. Term of office.

8. (1) At such time as the Central Government may deem to be expedient before or after the expiry of the period of three years after the publication of the list of members of a Committee under sub-section (2) of section 5, the Central Government shall take or cause to be taken all necessary steps for the nomination and co-option of members of the new Committee. Constitution of new Committees.

(2) No person shall be ineligible for nomination or co-option to the new Committee on the ground that he is or has been a member of the Committee.

**Duties of
Committee.**

9. (1) The duties of the Committee shall be—

(a) to collect and disseminate information useful to pilgrims;

(b) to advise and assist pilgrims during their stay in the city and the port of Bombay, while proceeding on or returning from pilgrimage, in all matters including vaccination, inoculation, medical inspection and issue of passes and passports, and to co-operate with the local authorities concerned in such matters;

(c) to give relief to indigent pilgrims;

(d) to negotiate and co-operate with railways, shipping companies, airways and travel agencies for the purpose of securing travelling facilities for pilgrims;

(e) to find suitable guides for employment by shipping companies on pilgrim ships;

(f) to bring the grievances of pilgrims and any irregularities or omissions on the part of a master or owner of a pilgrim ship in carrying out the provisions of the Indian Merchant Shipping Act, 1923, to the notice of the authorities concerned, and ^{21 of 1923.} to suggest remedies;

(g) to appoint a pilgrim as "Amirul-Haj" on board a pilgrim ship to represent the grievances of the pilgrims to the master or owner of the ship;

(h) generally to look after the welfare of the pilgrims; and

(i) to discharge such other duties in connection with pilgrim traffic as may be prescribed.

(2) The Central Government shall afford all reasonable assistance to the Committee in the discharge of the duties imposed by this section.

**Meetings of
Committee.**

10. (1) The Committee shall meet at least once in every month during the four months before the Haj Day and during the two months after the Haj Day, and at least once in three months during the rest of the year.

(2) The number of members required to make a quorum at any meeting shall be six.

(3) All matters shall be decided by a majority of votes of the members present, and in the event of an equality of votes, the Chairman or other person presiding shall have a casting vote.

11. No act or proceeding of the Committee shall be invalid by reason only of the existence of any vacancy among its members or any defect in the constitution thereof.

Vacancies, etc., not to invalidate acts or proceedings of the Committee.

12. (1) The Central Government shall, in consultation with the Committee, appoint a person to be the Executive Officer thereof who shall also be the Secretary to the Committee.

Executive officer and other employees.

(2) The Committee shall, subject to the approval of the Central Government, appoint such other employees as it may consider necessary for the efficient discharge of its duties under this Act.

13. (1) The Committee shall appoint one or more sub-committees consisting of such number of its members as it thinks fit for the inspection of pilgrim ships.

Sub-committees and inspection of pilgrim ships.

21 of 1923

(2) Any such sub-committee when inspecting a pilgrim ship shall be accompanied by the certifying officer appointed for the port under section 151 of the Indian Merchant Shipping Act, 1923, or by the Surveyor of the ship or other person deputed by the certifying officer.

(3) The Executive Officer of the Committee, or a sub-committee appointed under sub-section (1) may enter and inspect any pilgrim ship advertised or offering to sail from, or which has returned to, the port of Bombay.

(4) A master or any officer of a pilgrim ship who fails to render reasonable facilities for such inspection shall be punishable with fine which may extend to five hundred rupees.

(5) No magistrate other than a presidency magistrate or magistrate of the first class shall take cognizance of an offence punishable under sub-section (4), and such magistrate shall take cognizance of such offence only on written complaint by the Chairman of the Committee.

(6) The Committee may also appoint other sub-committees for such purposes as it may think fit and any such sub-committee shall consist of such number of members and other persons as may be determined by bye-laws made in this behalf by the Committee.

14. The Committee shall have its own Fund to be called the Haj Fund, and there shall be placed to the credit thereof the following sums, namely:—

(a) the interest on all deposits made by pilgrims under clause (b) of section 208A of the Indian Merchant Shipping Act, 1923;

21 of 1923.

(b) the fees charged for the registration of pilgrim passes in pursuance of any rule made under section 213 of the Indian Merchant Shipping Act, 1923;

21 of 1923.

(c) the sums realised from the sale of the effects of deceased pilgrims and sums of money left by deceased pilgrims, which are unclaimed and have lapsed to the Government;

(d) any fees which may be levied for the issue of visitors' passes to friends and relations of pilgrims who desire to go on board a pilgrim ship;

(e) the amount standing at the commencement of this Act to the credit of the Fund known as the Indigent Pilgrims Fund:

Provided that such amount shall be applied by the Committee solely for the relief of indigent pilgrims;

(f) any sums received by the Haj Fund from private sources; and

(g) any sums allotted by the Central Government or any State Government to the Haj Fund.

Vesting of property in the Committee.

15. All property, assets and funds owned or acquired, before the establishment of the Committee under this Act, by the Port Haj Committee of Calcutta and the Port Haj Committee of Bombay constituted under the Port Haj Committees Act, 1932, shall, on such establishment, vest in the Committee and form part of the Haj Fund referred to in section 14.

20 of 1932.

Application of the Haj Fund.

16. The Haj Fund shall, subject to any rules that may be made under this Act, be under the control and management of the Committee, and shall be applied to the following purposes, namely:—

(a) pay and allowances of the Executive Officer and other employees of the Committee;

(b) payment of charges and expenses incidental to the objects specified in section 9;

(c) any other object specified in the rules made under section 17.

Power to make rules.

17. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the manner of nomination and co-option of members of the Committee;

(b) the disqualifications for being chosen as, or for being, members of the Committee;

(c) the manner in which doubts and disputes relating to co-option of members may be determined;

(d) the filling up of casual vacancies in the office of the Chairman and other members of the Committee;

(e) the removal of the Chairman and other members of the Committee and their resignation from office;

(f) the term of office of the Chairman and his powers and duties;

(g) the duties which may be entrusted to the Committee;

(h) the powers and duties of the Executive Officer and the conditions of service of the Executive Officer and other employees of the Committee;

(i) the custody of the Haj Fund and the investment of balances therein;

(j) the objects for which the Haj Fund may be applied;

(k) the limit of expenditure which may be incurred by the Committee without sanction of the Central Government;

(l) the accounts to be kept by the Committee and the audit of such accounts;

(m) the preparation, submission and approval of the budget of the Committee;

(n) the returns, statements and reports to be submitted by the Committee;

(o) any other matter which is to be, or may be, prescribed.

(3) Every rule made under this section shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

18. (1) The Committee may make bye-laws not inconsistent with this Act or the rules made thereunder—

Power to
make bye-
laws.

(a) prescribing the manner of election of the Vice-Chairmen;

(b) prescribing the term of office and the powers and duties of the Vice-Chairmen;

(c) regulating the removal or resignation of a Vice-Chairman and the filling up of casual vacancies in the office of Vice-Chairman;

(d) regulating the convening of the meetings of the Committee and the conduct of business thereat;

(e) prescribing the registers and records to be maintained;

(f) providing for the publication of its proceedings and any matter of interest to pilgrims; and

(g) providing for any other matter which the Committee deems necessary for giving effect to the provisions of this Act.

(2) Bye-laws made by the Committee under this section shall be submitted to the Central Government and shall not take effect until they have been confirmed by the Central Government.

(3) Bye-laws which have been confirmed by the Central Government shall be published in the Official Gazette.

Repeal and
savings.

19. (1) The Port Haj Committees Act, 1932, is hereby repealed. 20 of 1932.

(2) Notwithstanding such repeal, the Port Haj Committee of Bombay constituted under the said Act shall, until the establishment of the Committee under this Act, continue to function as if this Act had not been passed and on such establishment of the Committee, the Port Haj Committee of Bombay shall stand dissolved.

THE INDIAN PENAL CODE (AMENDMENT) ACT, 1959

No. 52 OF 1959

[17th December, 1959]

An Act further to amend the Indian Penal Code.

BE it enacted by Parliament in the Tenth Year of the Republic of India as follows:—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Indian Penal Code (Amendment) Act, 1959.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

45 of 1860.

2. After section 363 of the Indian Penal Code, the following section shall be inserted, namely:—

Insertion of new section 363A.

'363A. (1) Whoever kidnaps any minor or, not being the lawful guardian of a minor, obtains the custody of the minor, in order that such minor may be employed or used for the purposes of begging shall be punishable with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Kidnapping or maiming a minor for purposes of begging.

(2) Whoever maims any minor in order that such minor may be employed or used for the purposes of begging shall be punishable with imprisonment for life, and shall also be liable to fine.

(3) Where any person, not being the lawful guardian of a minor, employs or uses such minor for the purposes of begging, it shall be presumed, unless the contrary is proved, that he kidnapped or otherwise obtained the custody of that minor in order that the minor might be employed or used for the purposes of begging.

(4) In this section,—

(a) "begging" means—

(i) soliciting or receiving alms in a public place, whether under the pretence of singing, dancing, fortune-telling, performing tricks or selling articles or otherwise;

(ii) entering on any private premises for the purpose of soliciting or receiving alms;

(iii) exposing or exhibiting, with the object of obtaining or extorting alms, any sore, wound, injury, deformity or disease, whether of himself or of any other person or of an animal;

(iv) using a minor as an exhibit for the purpose of soliciting or receiving alms;

(b) "minor" means—

(i) in the case of a male, a person under sixteen years of age; and

(ii) in the case of a female, a person under eighteen years of age'.

5 of 1898.

45 of 1860.

3. In the Code of Criminal Procedure, 1898, in Schedule II, after the entry relating to section 363 of the Indian Penal Code, the following entry shall be inserted, namely:—

Amendment of Schedule II, Act 5 of 1898.

1	2	3	4	5	6	7	8
"363A Kidnapping, or obtaining the custody of, a minor, in order that such minor may be employed or used for purposes of begging.	May arrest without warrant.	Warrant	Not bail-able.	Not com-poundable.	Imprisonment of either description for 10 years and fine.	Court of Session, Presidency Magistrate, or Magistrate of the first class.	
Maiming a minor in order that such minor may be employed or used for purposes of begging.	Ditto	Ditto	Ditto	Ditto	Imprisonment for life and fine.	Court of Session."	

G. R. RAJAGOPAUL, Secy.